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FIRST DIVISION

[G.R. No. 213027, January 18, 2017]

ESTATE OF FERDINAND E. MARCOS, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.

[G.R. No. 213253]

IMELDA ROMUALDEZ MARCOS AND IRENE MARCOS ARANETA, PETITIONERS, VS. REPUBLIC OF THE PHILIPPINES,[1] RESPONDENT.

R E S O L U T I O N

SERENO, C.J.:

Before us are Petitions for Review on *Certiorari*[2] assailing the Partial Summary Judgment[3] dated 13 January 2014 and the Resolution[4] dated 11 June 2014 rendered by the Sandiganbayan, Special Division,[5] in Civil Case No. 0141. In the assailed Judgment and Resolution, the pieces of jewelry, known as the Malacañang Collection, were labeled as ill-gotten and were consequently forfeited in favor of the Republic.

THE ANTECEDENT FACTS

Civil Case No. 0141 is a forfeiture case entitled *Republic of the Philippines v. Ferdinand E. Marcos, (represented by his Estate/Heirs) and Imelda R. Marcos*. It emanated from the Petition[6] dated 17 December 1991 (1991 Petition) filed by the Republic through the Presidential Commission on Good Government (PCGG), represented by the Office of the Solicitor General (OSG), pursuant to Republic Act No. (R.A.) 1379[7] in relation to Executive Order Nos. 1,[8] 2,[9] 14[10] and 14-A.[11] The 1991 Petition sought the recovery of the assets and properties pertaining to the Marcoses, who acquired them directly or indirectly through, or as a result of, the improper or illegal use of funds or properties owned by the government.[12] The properties, subject of other pending forfeiture cases before the Sandiganbayan, were excluded; and the properties, subject of the 1991 Petition, were specifically listed and accordingly clustered into 18 categories.[13]

Some of the properties listed in the 1991 Petition were already adjudged as ill-gotten wealth and consequently forfeited in favor of the government. In *Republic v. Sandiganbayan*[14] (the Swiss deposits case) the Court *en banc* in 2003 decreed that the deposits in various Swiss banks, referred to in the 1991 Petition under paragraph 9 (18),[15] were ill-gotten wealth and forfeited in favor of the State.[16] Likewise, in *Marcos v. Republic*[17] (the Arelma case), the Court's Second Division in 2012 declared that the funds, properties, and interests of Arelma were also ill-gotten wealth and forfeited in favor of the State.[18]

The present consolidated petitions emanated from the same Civil Case No. 0141, when the Republic filed a Motion for Partial Summary Judgment[19] dated 24 June 2009 with respect to another property listed in the 1991 Petition. By way of that motion, the Republic asked the Sandiganbayan to render judgment declaring the pieces of jewelry, known as the Malacañang Collection and specifically mentioned under paragraph 9 (6) of the 1991 Petition, as ill-gotten; and to subsequently cause this collection of jewelry to be declared forfeited in favor of the Republic.[20] The latter categorized the pieces of jewelry recovered from the Marcoses into three collections and singled out the Malacañang Collection as the object of the motion.[21] The estimated values thereof were presented also in the motion as follows:

> First, the so-called Hawaii Collection x x x mentioned in paragraph 9 (7)[22] of the x x x forfeiture petition x x x seized by the United States Customs Service and x x x turned over to the Philippine

> Government. Significantly, a ruling was made by the United States (U.S.) Hawaii District Court on December 18, 1992 that the Republic of the Philippines is entitled to the possession and control of the said collection. (Annex "A")[23] [The Sandiganbayan] had taken judicial notice of said ruling in its Resolution[24] dated October 25, 1996.
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> Second, the **Roumeliotes Collection** x x x referred to as "MIA Jewelry" x x x seized from Roumeliotes at the Manila International Airport on March 1, 1986. Although not covered by this forfeiture proceeding, respondents earlier sought their inclusion in then pending negotiations for settlement.
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> Third, the **Malacañang Collection** x x x seized from Malacañang after February 25, 1986 and transferred to the Central Bank on March 1, 1986. As ruled by this Honorable Court in the said resolution (Annex "B"),[25] this collection is the object of this forfeiture proceeding.
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> This collection is itemized in ANNEX "C"[26] hereof.
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> Based on the 1991 valuation of auction house Christie, Manson and Woods International, Inc., the Roumeliotes, Malacañang and Hawaii collections were worth between US$5,313.575 (low estimate) to US$7,112,879 (high estimate), at the time of the filing of the petition. (ANNEX "D") [27] The value of the Malacañang collection by itself was US$110,055 (low estimate) to US$153,089 (high estimate).[28] (citations supplied)

In support of the motion, the Republic cited the letter[29] dated 25 May 2009 sent to the PCGG by Imelda Marcos, through counsel, demanding "the immediate return of all her pieces of jewelry (i) taken by PCGG from Malacañang Palace and (ii) those turned over to PCGG by the U.S. Government."[30] The Republic argued that the letter proved the claim of the Marcoses that they owned the Malacañang Collection, including the Hawaii Collection.[31] It further argued that in the 1991 Petition, they were deemed to have admitted the allegations regarding the pieces of jewelry.[32] The Republic said that the words or stock phrases they used in their Answer[33] dated 18 October 1993 had been declared by this Court in the Swiss deposits case as a "negative pregnant" and, as such, amounted to an admission if not squarely denied.[34] Finally, it contended that "the lawful income of the Marcoses during their incumbencies as public officials was grossly disproportionate to the value of the pieces of jewelry."[35] Invoking the declaration of this Court in the Swiss deposits case,[36] the Republic stated that their lawful income amounting to USD 304,372.43 was grossly disproportionate to the value of the pieces of jewelry in 1991.[37]

On 3 July 2009, the Republic also filed a Request for Admission[38] addressed to the Estate of Ferdinand Marcos, Imelda Marcos, Imelda Marcos-Manotoc, and Irene Marcos Araneta. It requested the admission under oath of the truth of the following:

1. That the set of jewelry described as the "Malacañang Collection" subject of this petition and Motion for Partial Summary Judgment dated June 24, 2009 had been acquired during the incumbency of respondents Ferdinand E. Marcos and Imelda R. Marcos as public officials of the Republic of the Philippines, particularly between 1966-1986.

2. That the said "Malacañang Collection" had been acquired from abroad, particularly during respondents' travels to Asia, Europe and the United States.

3. That the acquisition costs of the "Malacañang Collection" more or less corresponds to the values appraised by Christie's in 1998 as summarized in Annex F-2 of the Petition, also Annex D of the Motion for Summary Judgment dated June 24, 2009.

4. That at the time of the recovery of the Collection in Malacañang, the pieces of jewelry were in mint condition, and most of which has never been used by respondents.[39]

The Republic also submitted a Supplement to Motion for Partial Summary Judgment[40] dated 14 July 2009. It restated that the object of the motion covered only the Malacañang Collection, as the ownership of the

two other collections had been settled by the Sandiganbayan in a Resolution[41] dated 25 October 1996.[42] It also attached the Affidavit[43] of J. Ermin Ernest Louie R. Miguel, director of the legal department of the PCGG, which was the custodian of the official records pertaining to the cases filed for the recovery of the ill-gotten wealth of the Marcoses.[44] The Affidavit sought to prove the value of the Honolulu/PCGG Collection according to the appraisal[45] by Christie's at US Customs in Honolulu, Hawaii, on 28 and 29 September 1992; of the Roumeliotes Collection according to the appraisal[46] by Christie's at the Central Bank in Manila, Philippines, on 7 March 1988; and of the Malacañang Collection according to the appraisal[47] by Christie's at the Central Bank in Manila, Philippines, on 7 March 1988 and to the much higher acquisition costs indicated in the Invoices[48] transmitted by Gemsland to Imelda Marcos through Mrs. Gliceria Tantoco.[49]

Imelda Marcos and Irene Marcos Araneta filed their Manifestation and Preliminary Comments[50] dated 21 July 2009. They manifested therein that Imelda Marcos had indeed demanded the return of the jewelry to her through a letter[51] dated 25 May 2009 and that the PCGG had been unlawfully possessing the properties in view of its failure to initiate the proper proceeding or to issue a sequestration or freeze order.[52] It was further manifested that Imelda Marcos also wrote a letter[53] dated 28 May 2009 to the Department of Justice (DOJ), which had administrative supervision and control over the PCGG, through DOJ Secretary Raul M. Gonzalez. In turn, he sent a letter[54] dated 4 June 2009 to the PCGG through Chairperson Camilo M. Sabio ordering the latter to return the jewelry if there was no legal impediment. The PCGG, however, referred the matter to the OSG through Solicitor General Agnes VST Devanadera in a letter[55] dated 9 June 2009. The OSG replied to the Marcoses' letter[56] dated 25 May 2009 by way also of a letter[57] dated 21 July 2009. It said that according to the OSG in its letter[58] to the PCGG dated 19 June 2009, the former pointed out that the fact the jewelry collection was the subject of an action for forfeiture before the Sandiganbayan was a legal impediment to their return.[59]

Imelda Marcos and Irene Marcos Araneta then stated that the Republic's Motion for Partial Summary Judgment was filed to justify the possession by the PCGG of the pieces of jewelry, even if these were not part of the forfeiture case - Civil Case No. 0141.[60] They based their allegations on the pronouncements of the Sandiganbayan in its Resolution[61] dated 25 October 1996 and Order[62] dated 19 November 2001 and on the Republic's omission of the collection in the prayer[63] of the 1991 Petition.[64]

The Marcoses further stated that the Request for Admission was inconsistent with the Motion for Partial Summary Judgment and the Supplement thereto and further reserved their right to present additional arguments or comments on the Motion and the Supplement.[65]

Imelda Marcos and Irene Marcos Araneta subsequently filed a Manifestation and Motion to Expunge[66] dated 25 July 2009. They specifically stated therein that they were adopting the same arguments raised in their Comment,[67] as well as in their Motion for Reconsideration[68] dated 5 May 2009, which was filed after the Sandiganbayan Decision[69] dated 2 April 2009 granting the Motion for Partial Summary Judgment on the Arelma account.[70]

In their Manifestation and Motion to Expunge, Imelda Marcos and Irene Marcos Araneta claimed that the filing of the Request for Admission was tantamounto an abdication of the earlier position of the Republic that the case was ripe for summary judgment.[71] They argued that the Request for Admission entertained a possibly genuine issue as to a material fact, which was needed for the grant of the motion for summary judgment.[72] They further argued that the filing of the Request for Admission was rather late, considering that it was done after the Republic had filed its Motion for Summary Judgment in 2000 and after the case was concluded in 2004.[73] They then requested that all pleadings, motions and requests filed after the termination of the case in 2004 be expunged.[74] Pending a resolution of the motion to expunge, they simultaneously asked for additional time to answer the Request for Admission and for permission to conduct an ocular inspection of the subject jewelry, which had been in the Republic's possession for the past 22 years.[75]

Meanwhile, Ferdinand Marcos Jr. filed a Manifestation[76] that he was adopting the Manifestation and Motion

to Expunge filed by Marcos and Irene Marcos Araneta.[77]

The Republic filed its Opposition[78] dated 24 August 2009, in which it said that the Manifestation and Motion to Expunge of Imelda Marcos and Irene Marcos Araneta argued on trivial matters, raised puerile arguments, and failed to refute the contention that the collection was ill-gotten and subject to forfeiture.[79] It further stated that the Request for Admission did not depart from the legal basis of the Motion for Partial Summary Judgment. Instead, the request merely sought to elicit details regarding the acquisition of the jewelry in order to expedite the resolution of the motion.[80] The Republic therefore claimed that by operation of law, the failure of the Marcoses to respond resulted in their admission of the matters contained in the request.[81]

In response to the Marcoses' Manifestation and Preliminary Comments, the Republic likewise filed its Reply[82] dated 24 August 2009. It insisted that while the Decision dated 2 April 2009 focused on the Arelma assets, it had reservations regarding "other reliefs and remedies as may be just and equitable under the premises."[83] These reliefs and remedies included the prayer for the forfeiture of the Malacañang Collection as part of the ill-gotten wealth of the Marcoses.[84] Also, the Republic stated that the Request for Admission was not inconsistent with its Motion for Partial Summary Judgment, and that the filing of the request after the motion was not prohibited by the Rules of Court.[85] It stressed that the Request for Admission was filed and served on 3 July 2009.[86] It said that instead of making an admission or a denial as a timely response to the request within 15 days or until 18 July 2009, the Marcoses filed - and belatedly at that - a Manifestation and Motion to Expunge on 25 July 2009.[87] Thus, the Republic insisted that all the matters that were the subject of the request be deemed admitted by the Marcoses.[88]

A Rejoinder[89] dated 7 September 2009 was filed by the Marcoses who alleged that the demand could not have meant that the collection was part of the case, because the jewelry collection was "trivially mentioned" in the statement of facts of the 1991 petition;[90] was not specifically prayed for;[91] was not subject of the case, according to the Sandiganbayan in its Resolution[92] dated 25 October 1996 and Order[93] dated 19 November 2001.[94] They also reiterated that the Request for Admission was inconsistent with the Republic's Motion for Partial Summary Judgment.[95]

In a Resolution[96] dated 2 August 2010, the Sandiganbayan denied the Marcoses' Manifestation and Preliminary Comments and Manifestation and Motion to Expunge. It ruled that (1) the proceedings in this case had not been terminated;[97] (2) in filing their objection, respondents were not deemed to have admitted the matters in the Request for Admission;[98] and (3) the Republic's Request for Admission was not inconsistent with the Motion for Summary Judgment.[99] The Sandiganbayan further directed the Marcoses to file and serve within 15 days their sworn answer to the Request for Admission,[100] but they failed to comply with the directive.[101]

After the submission of the parties of their respective memoranda,[102] the Sandiganbayan issued a Partial Summary Judgment[103] dated 13 January 2014 ruling that (1) the Malacañang Collection was part and subject of the forfeiture petition;[104] (2) the Motion for Summary Judgment was proper;[105] and (3) the forfeiture of the Malacañang Collection was justified pursuant to R.A. 1379.[106]

Motions for Reconsideration were filed by the Estate of Marcos on 29 January 2014[107] and by Imelda Marcos and Irene Marcos Araneta on 30 January 2014.[108] The Republic submitted its Consolidated Opposition[109] dated 25 February 2014, while Replies were submitted by the Estate of Marcos on 12 March 2014[110] and by Imelda Marcos and Irene Marcos Araneta on 31 March 2014.[111] The Republic filed its Consolidated Rejoinder[112] on 23 April 2014.

In a Resolution[113] dated 11 June 2014, the Sandiganbayan denied the Motions for Reconsideration for being mere rehashes of the arguments of the Marcoses in their Comments and Opposition to the Republic's Motion for Summary Judgment.[114]

Imelda Marcos and Irene Marcos Araneta received the Resolution denying their Motion for Reconsideration on 24 June 2014.[115] Within the 15-day period to file a petition, they submitted to this Court a Manifestation with Entry of Appearance and Motion for Extension of Time, asking that they be given until 09 August 2014 to file their petition.[116] Meanwhile, the Estate of Marcos filed a Motion for Extension of Time on 09 July 2014 and a Manifestation on 8 August 2014, saying that its other executor *in solidum* was no longer filing a separate petition for review, but was adopting that which was filed by Imelda Marcos.[117]

This Court issued a Resolution[118] on 17 November 2014 in G.R. No. 213027 granting the Motion for Extension and noting the Manifestation of the Estate of Marcos that the latter was adopting the petition for review filed by Imelda Marcos and Irene Marcos Araneta in G.R. No. 213253. This Court also issued a Resolution[119] on 17 November 2014 in G.R. No. 213253 noting the Manifestation of Imelda Marcos and Irene Marcos Araneta's counsels, who were seeking the grant of their Motion for an Extension.[120] This Court thereafter consolidated the petitions.[121]

THE ISSUES

The issues for this Court's resolution are as follows: (1) whether the Sandiganbayan has jurisdiction over the properties; (2) whether the Malacañang Collection can be the subject of the forfeiture case; (3) whether forfeiture is justitied under R.A. 1379; (4) whether the Sandiganbayan correctly ruled that the Motion for Partial Summary Judgment was not inconsistent with the Request for Admission; and (5) whether the Sandiganbayan conectly declared that the forfeiture was not a deprivation of petitioners' right to due process of law.[122]

OUR RULING

We find no reversible error in the ruling of the Sandiganbayan.

The Sandiganbayan conectly acquired jurisdiction over the case. The properties are included in the 1991 Petition as found in subparagraph (6) of paragraph (9), which reads:

> 9. However, the other properties which had been identified so far by both the PCGG and the Solicitor General (excluding those involved in the aforesaid civil cases) are approximated at US$5-B and which include-
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> x x x x
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> (6) Paintings and silverware sold at public auction in the United States worth $17-M as shown by Annex "F" hereof, aside from the **jewelries**, paintings and other valuable decorative arts **found in Malacañang and in the United States estimated to be about $23.9-M as listed and described in Annexes "F-1",**[123] **"F-2",**[124] "F-2-a"[125] **and "F-3"**[126] **hereto attached as integral parts hereof**;[127] (Emphasis supplied)

The Sandiganbayan correctly noted the Annexes, which were mentioned in subparagraph 6 and made an integral part of the 1991 Petition, itemizing and enumerating the pieces ofjewelry with their estimated values. It ultimately found that the 1991 Petition had categorically alleged that the Malacañang Collection was included in the assets, monies and properties sought to be recovered.

With respect to the manner of making allegations in pleadings, the Rules of Court simply provides as follows:

> Section 1. In general. - Every pleading shall contain in a methodical and logical form, a plain, concise and direct statement of the ultimate facts on which the party pleading relies for his claim or defense, as the case may be, omitting the statement of mere evidentiary facts. If a defense relied on is based on law, the pertinent provisions thereof and their applicability to him shall be clearly and concisely stated.[128]

With respect to the determination of whether an initiatory pleading sufficiently states a cause of action, this Court has ruled in this wise:

> In determining whether an initiatory pleading states a cause of action, the test is as follows: admitting the truth of the facts alleged, can the court render a valid judgment in accordance with the prayer? To be taken into account are only the material allegations in the complaint; extraneous facts and circumstances or other matters *aliunde* are not considered. The court may consider - in addition to the complaint - the appended annexes or documents, other pleadings of the plaintiff, or admissions in the records.[129]

The 1991 Petition is compliant with the requirements stated in law and jurisprudence. The sufficiency of its allegations is thus established with respect to the pieces of jewelry. Not only were these listed in paragraph 9 (6)[130] of that petition as part of the properties subject to forfeiture but these were also itemized in the documents annexed thereto: Annexes "F-1,"[131] "F- 2,"[132] "F-2-a,"[133] and "F-3."[134] The 1991 Petition is more than enough fulfillment of the requirement provided under Section 3[135](d) of R.A. 1379.

Meanwhile, the Sandiganbayan correctly held that the forfeiture was justified and that the Malacañang Collection was subject to forfeiture. The legitimate income of the Marcoses had been pegged at USD 304,372.43.[136] We reiterate what we have already stated initially in *Republic v. Sandiganbayan*,[137] and subsequently in *Marcos v. Republic*:[138] that "whenever any public officer or employee has acquired during his incumbency an amount of property which is manifestly out of proportion to his salary as such public officer or employee and to his other lawful income and the income from legitimately acquired property, said property shall be presumed *prima facie* to have been unlawfully acquired."[139] Petitioners failed to satisfactorily show that the properties were lawfully acquired; hence, the *prima facie* presumption that they were unlawfully acquired prevails.

The Sandiganbayan also properly ruled that there was no inconsistency or incongruity between Republic's Request for Admission and Motion for Partial Summary Judgment. Indeed, we have held that a request for admission can be the basis for the grant of summary judgment. The request can be the basis therefor when its subject is deemed to have been admitted by the party and is requested as a result of that party's failure to respond to the court's directive to state what specifically happened in the case.[140] The resort to such a request as a mode of discovery rendered all the matters contained therein as matters that have been deemed admitted pursuant to Rule 26, Section 2 of the 1997 Rules of Civil Procedure.[141]

On the basis of respondent Imelda Marcos's letter dated 25 May 2009; respondents' Answer to the 1991 Petition, which was considered to be a "negative pregnant" in *Republic v. Sandiganbayan*; and respondents' failure to timely respond to petitioner's Request for Admission, the Sandiganbayan thus correctly granted the Motion for Summary Judgment of the Republic.

A careful scrutiny of the three bases used by the Sandiganbayan in justifying the absence of a genuine issue and eventually granting the Motion for Pmtial Summary Judgment leads us to no other course of action but to affirm the ruling of the Sandiganbayan. The *prima facie* presumption on unlawfully acquired property indeed finds application on the first basis. Section 2 of R.A. 1379 provides that "[w]henever any public officer or employee has acquired during his incumbency an amount of property which is manifestly out of propmtion to his salary as such public officer or employee and to his other lawful income and the income from legitimately acquired property, said property shall be presumed *prima facie* to have been unlawfully acquired." And in this regard, the Sandiganbayan had taken judicial notice of the legitimate income of the Marcoses during their incumbency as public officers for the period 1966-1986 which was pegged at USD 304,372.43.[142]

With respect to the second basis the Answer to the 1991 Petition the denial of the Marcoses cannot be considered a specific denial because similar to their denial in the Arelma case, in which insisted that they were not privy to the transactions, the Marcoses gave "the same stock answer to the effect that [they] did not engage in any illegal activities, and that all their properties were lawfully acquired."[143] That they were not privy to the actual data in the possession of the PCGG and the Solicitor General is simply a line of defense which necessarily results in their failure to allege the lawfulness of the mode of acquiring the property subject of forfeiture, considering the amount of their lawful income.[144] As in the Arelma case, the Marcoses are deemed to have admitted that the Malacañang Collection itemized in the annexes were found in the palace and subsequently proven to have been owned by Mrs. Marcos as she admitted in her letter

dated 25 May 2009.

In light of the third basis, the factual antecedents of the case bear restating. The Republic filed a Motion for Partial Summary Judgment dated 24 June 2009, after which it filed and served a Request for Admission on 3 July 2009. Afterwards, it submitted a Supplement to Motion for Partial Summary Judgment dated 14 July 2009. On 28 July 2009, the Marcoses filed their Manifestation and Preliminary Comments. The Sandiganbayan noted the objection they had raised in their Manifestation and Preliminary Comments.[145] In that manner, rather than declaring that the matters raised in the Request for Admission were deemed admitted, the Sandiganbayan instead ruled on the objection raised by the Marcoses. In short, it ruled that the Request for Admission was not inconsistent with the motion for summary judgment.[146] The Sandiganbayan reasoned that there was no inconsistency between the two. It said that a request for admission may even complement a summary judgment in that the request for admission may be used as basis for filing a motion for summary judgment.[147] It then denied the Manifestation and Preliminary Comments and Manifestation and Motion to Expunge filed by the Marcoses relative to the Republic's Request for Admission. Thereafter, it required the Marcoses to file and serve their sworn answer to the Request for Admission.[148] The Marcoses filed numerous pleadings, but none of these was made in response to the Request for Admission as required by Rule 26, Section 2[149] of the Rules of Court until the Sandiganbayan eventually issued the Partial Summary Judgment dated 13 January 2014 and the Resolution dated 11 June 2014.

The Sandiganbayan ruled that "a request for admission may even complement a summary judgment in that the request for admission may be used as basis for filing a summary judgment"[150] citing three cases as follows: *Concrete Aggregates Corp. v. CA*,[151] *Diman v. Alumbres*,[152] and *Allied Agri-Business v. CA*.[153] The first case instructs that a request for admission "should set forth relevant evidentiary matters of fact, or documents described in and exhibited with the request, whose purpose is to establish said party's cause of action or defense."[154]

The second case, on the other hand, teaches the nature of modes of discovery in this wise:

> Particularly as regards request for admission under Rule 26 of the Rules of Court, the law ordains that when a party is served with a written request that he admit: (1) the genuineness of any material and relevant document described in and exhibited with the request, or (2) the truth of any material and relevant matter of fact set forth in the request, said party is bound within the period designated in the request, to file and serve on the party requesting the admission a *sworn statement* either (10) denying specifically the matters of which an admission is requested or (2) setting forth in details the reasons why he cannot truthfully either admit or deny those matters. If the party served does not respond with such sworn statement, *each of the matters of which an admission is requested shall be deemed admitted*.
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> In this case, the Dimans' request for admission was duly served by registered mail on Jose Lacalle on February 6, 1995, and a copy thereof on his lawyers on February 4, 1995. Neither made any response whatever within the reglementary period. Nor did either of them do so even after receiving copy of the Dimans' "MANIFESTATION WITH MOTION TO REQUIRE PLAINTIFFS TO ANSWER REQUEST FOR ADMISSION." dated March 28, 1995. On account thereof, in legal contemplation, the Heirs impliedly admitted all the facts listed in the request for admission.
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> On the other hand, in the case of a summary judgment, issues apparently exist - i.e., facts are asserted in the complaint regarding which there is as yet no admission, disavowal or qualification; or specific denials or atllnnative defenses are in truth set out in the answer - but *the issues thus arising from the pleadings are sham, fictitious, not genuine, as shown by admissions, depositions or admissions*.[155] (Italics supplied)

The third case demonstrates how failure to answer the request for admission within the period resulted in the admission of the matters stated therein. The Court, in that case, specifically ruled:

> The burden of affirmative action is on the party upon whom notice is served to avoid the admission rather than upon the party seeking the admission. Hence, when petitioner failed to reply to a request to admit, it may not argue that the adverse party has the burden of proving the facts sought to be admitted. Petitioners silence is an admission of the facts stated in the request.
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> This Court finds that the motion for summary judgment filed by respondent CHERRY VALLEY on the ground that there were no questions of fact in issue since the material allegations of the complaint were not disputed was correctly granted by the trial court. It is a settled rule that summary judgment may be granted if the facts which stand admitted by reason of a partys failure to deny statements contained in a request for admission show that no material issue of fact exists. By its failure to answer the other partys request for admission, petitioner has admitted all the material facts necessary for judgment against itself.[156]

Petitioners claim that there has been a lack of observance of due process;[157] that "there has been no trial or hearing";[158] and that "petitioners were shamefully never given an opportunity to show that the questioned properties may have been lawfully acquired through other means."[159] We find the invocation of lack of observance of due process at this stage of the proceedings rather belated, especially when it was never invoked before the Sandiganbayan. Needless to say, the various pleadings petitioners have filed in this case and in other cases involving the Marcos properties were countless occasions when they could have proven that the Malacañang Collection had indeed been lawfully acquired as claimed. They allege that they were denied due process by not being given any opportunity to prove their lawful acquisition of the Malacañang Collection. This allegation cannot be given credence for being utterly baseless.

The complete records of Civil Case No. 0141 - a total of 35 volumes along with 2 envelopes containing exhibits and 1 envelope containing the transcripts of stenographic notes - have been forwarded to this Court by the Sandiganbayan. Pertinent parts of these documents annexed to the 1991 Petition, along with the other pleadings filed before the Sandiganbayan relative to the present petitions, have also been extensively quoted and reproduced verbatim in this resolution. The purpose is not only to provide a clearer statement of the factual antecedents, but also to confirm the veracity of the reference to these documents and to equally dispel any doubt regarding them.

All in all, in the absence of any compelling legal reason, there is no basis to overturn, or carve an exception to, existing jurisprudence on the matters raised in the present case.

WHEREFORE, premises considered, the assailed Partial Summary Judgment dated 13 January 2014 and Resolution dated 11 June 2014 rendered by the Sandiganbayan in Civil Case No. 0141 are **AFFIRMED**.

SO ORDERED.

Del Castillo, Reyes,* *Perlas-Bernabe*, and *Caguioa, JJ.*, concur.

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[1] The Sandiganbayan was initially impleaded as a party, but is being deleted pursuant to Sec. 4, Rule 45 of the 1997 Rules of Civil Procedure, as amended, in the Resolution dated 17 August 2015.

* In lieu of Associate Justice Teresita J. Leonardo-De Castro per Raffle dated 16 January 2017.

[2] *Rollo* (G.R. No. 213253), pp. 52-77; *rollo* (G.R. No. 213027), pp. 3-12.

[3] *Rollo* (G.R. No. 213253), pp. 11-48; penned by Associate Justice Efren N. de la Cruz and concurred in by Associate Justices Teresita V. Diaz-Baldos and Alex L. Quiroz.

[4] Id. at 128-131.

[5] Created by virtue of the Supreme Court En Banc Resolution dated 2 December 2008 in A.M. No. 08-10-05-SB, as amended by the SC Resolution dated 15 June 2010.

[6] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. I, pp. 1-78.

[7] An Act Declaring Forfeiture in Favor of the State of Any Property Found to Have Been Unlawfully Acquired by Any Public Officer or Employee and Providing for the Proceedings Therefor, 51 O.G. 4457 (18 June 1955).

[8] Creating the Presidential Commission on Good Government (28 February 1986).

[9] Regarding the Funds. Moneys, Assets, and Properties Illegally Acquired or Misappropriated by Fonner President Ferdinand Marcos, Mrs. Imelda Romualdez Marcos, Their Close Relatives, Subordinates, Business Associates, Dummies, Agents, or Nominees (12 March 1986).

[10] Defining the Jurisdiction Over Cases Involving the Ill-Gotten Wealth of Fonner President Ferdinand E. Marcos, Mrs. Imelda R. Marcos, Members of Their Immediate Family, Close Relatives, Subordinates, Close and/or Business Associates, Dummies. Agents and Nominees (7 May 1986).

[11] Amending Executive Order No. 14 (18 August 1986).

[12] Sandiganbayan *rollo* (Civil Case No. 0141). Vol. I, p. 5; Petition dated 17 December 1991 in Civil Case No. 0141, p. 5.

[13] Id. at 9-16; Petition dated 17 December 1991 in Civil Case No. 0141, pp. 9-16. Paragraphs 8 and 9 of the 1991 Petition are quoted in full as follows:

> 8. This petition, therefore, excludes the assets, monies and all the other properties involved in the said civil cases (Nos. 0002-0035, inclusive) now pending before the Sandiganbayan.
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> 9. However. the other properties which had been identified so far by both the PCGG and the Solicitor General (excluding those involved in the aforecited civil cases) are approximated at US$5-B and which include -
>
> (1) Holding companies, agro-industrial ventures and other investments identified by Rolando Gapud in his Affidavit dated August 1, 1987 marked as Annexes "A", "A-1" to "A-6", inclusive, and hereto attached as integral parts hereof;
>
> (2) Landholdings, buildings. condominium units, mansions and other houses which the Marcos spouses built, improved or acquired during their 20-year rule as listed and described in Annex "B" (Bonifacio Gillego's Sworn Statement dated June 30, 1986) and the list of landholdings, buildings and mansions of the arrival of the Marcoses discovered by the PCGG in 1986 hereto attached as Annex "13-1", which are integral parts hereof;
>
> (3) Properties held for the Marcoses and surrendered to the Government (through PCGG) as part of the Marcos ill-gotten wealth by his known crony, Mr. Jose Y. Campos, estimated to be about P2.5-B as of April 8, 1986 aside from the P250-M cash as stated in his affidavit and other documents marked as Annexes "C," "C-1," to "C-4", inclusive and hereto attached as integral parts hereof;
>
> (4) Properties held for the Marcoses and surrendered to the Government by another Marcos crony, Mr. Antonio Floirendo estimated to be about $30-M, aside from the P70-M cash and the $653,856.40 paid as taxes in the United States as stated in his affidavit, Compromise Agreement and Agreement marked as Annexes "D", "D-1" to "D-2", respectively, and attached hereto as integral parts hereof;
>
> (5) The so-called New York properties valued at $250-M as described in paragraphs 15-21, inclusive, of another Affidavit of Rolando Gapud dated January 14, 1987 marked as Annexes "E", "E-1", "E-2" and "E-2-a" as well as in Annex "A" of Civil Case No. 0001 hereto attached as Annex "E-3" which are integral parts hereof;

(6) Painting and silverwares, already sold at public auction in the United States worth $17-M as shown by Annex "F" hereof, aside from the jewelries, paintings and other valuable decorative arts found in Malacañang and in the United States estimated to be about $23.9-M as listed and described in Annexes "F-1", "F-2", "F-2-a" and "F-3" hereto attached as integral parts hereof;

(7) Philippine peso bills amounting to P27,744,535.00, foreign currencies and jewelries amounting to $4-M and Certificates of Time Deposits worth P46.4-M seized by the U.S. customs authorities upon arrival of the Marcoses in Honolulu, Hawaii, U.S.A. (now subject of a separate charge before the Ombudsman) when they tled hastily at the height of the February 22-25, 1986 EDSA Revolt, as shown hereto attached documents, marked as Annexes "G", "G-1" and "G-2", which are integral parts hereof;

(8) The US$30-M in the custody of the Central Bank (as part of the dollar denominated treasury bills purchased by the Marcoses from the Central Bank through their dummies using their dollar deposits in Switzerland, the relevant documents of which are hereto attached and marked as Annexes "H", "H-1" up to "H-4", inclusive and which are integral parts hereof;

(9) Shares of stocks in Piedras Petroleum Co. Inc. (PIEDRAS) and in Oriental Petroleum & Minerals Corporation (OCPM) worth P500-M as shown by Annexes "I", "I-1" up to "I-3", inclusive hereto attached as integral parts hereof;

(10) Shares of stock in Balabac Oil Company worth about P42-M as described in the affidavit of Mr. Raymundo S. Feliciano hereto attached as Annexes "J", "J-1" and "J-2", plus the 60% of the sequestered assets of CDCP in the amount of P172,378,030 (Annex "J-3" hereof), and form as integral parts hereof;

(11) The amount of P10-M as described by Jesus Tanchangco in his affidavit hereto attached as Annex "K" and the 45% beneficial ownership of FM in Landoil as stated by Jose de Venecia, Jr. in his affidavit dated March 7, 1987, marked as Annex "K-1" and hereto attached as integral part hereof;

(12) The amounts of Philippine peso and US dollars deposited in the Securities Bank & Trust Co. (SBTC) totalling P974,885,480.46 and US$6,522,361.29 as shown in Annexes "L" and "L-1" which are integral parts hereof;

(13) The total amounts of the shareholding of the Marcoses in SBTC which were sold by the PCGG at P161,200,000.00 and which has increased to P238.7-M including interests, but excluding P15-M already received by PCGG as shown by the hereto attached documents marked as Annexes "M", "M-1" to "M-2" which are integral parts hereof;

(14) The other properties already recovered such as the 21 vehicles registered in the names of Fernando and Susan Timbol estimated to be worth about P5.1-M as shown by the attached documents marked as Annexes "N" and "N-1" hereof;

(15) Philippine pesos deposits in Traders Royal Bank totalling over P1-B which had been invested by Mr. Marcos from 1978 to May 9, 1983 as shown by an analysis of Trust Account No. 76/128 and 76/128A of Mr. Marcos hereto attached as Annexes "O", "O-1", "O-2" and "O-2-a" and which are integral parts hereof;

(16) The other properties in the United States already recovered in the total amount of US$25.7-M as shown by the hereto attached report on recovered and sold assets abroad, 1986-91, marked as Annex "P" and hereto attached as integral part hereof;

(17) The bank deposits in Luxembourg, Hongkong, the Cayman Islands, United States and other countries which have not yet been fully documented and the approximate amounts therein cannot yet be determined and, hence, a reservation is hereby made to file a separate forfeiture petition to cover the said hidden fortunes upon full discovery;

> (18) The secret deposits in Swiss banks, which will be fully discussed later and being the primary and principal object of this petition for forfeiture pursuant to judgments of the Swiss Federal Tribunal in "Heirs of Ferdinand Marcos, Imelda Marcos, Avertina Foundation Vaduz, Imelda Marcos, Vibur Foundation, Heirs of Ferdinand Marcos, Palmy Foundation Vaduz versus Attorney General of District of Zurich, Attorney General of Canton of Zurich, and Republic of the Philippines x x x (Zurich Decision), and Heirs of Ferdinand Marcos, Imelda Marcos, and Aguamina Corporation versus Chambre d' accusation of the Fribourg Cantonal Court and the Republic of the Philippines x x x (Fribourg Decision). The certified true translations of the Zurich and Fribourg Decision are attached hereto as Annexes "Q" and "Q-1", respectively, while the identified accounts and the determined balances amounting to US$350-M, more or less, are shown by the attached Flow Charts of five (5) account groups marked as Annexes "R", "R-1" to "R-5", inclusive. and which are integral parts hereof.

[14] 453 Phil. 1059 (2003).

[15] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. I, p. 11; Petition dated 17 December 1991 in Civil Case No. 0141, p. 11. Paragraph 9, subparagraph 6 of the 1991 petition, reads:

> 9. However, the other properties which had been identified so far by both the PCGG and the Solicitor General (excluding those involved in the aforecited civil cases) are approximated at US$5-B and which include
>
> x x x x
>
> (7) Philippine peso bills amounting to P27,744,535.00, foreign currencies and jewelries amounting to $4-M and Cer1ificates of Time Deposits worth P46.4-M seized by the U.S. customs authorities upon arrival of the Marcoses in Honolulu, Hawaii, U.S.A. (now subject of a separate charge before the Ombudsman) when they fled hastily at the height of the February 22-25, 1986 EDSA Revolt, as shown hereto attached documents, marked as Annexes "G", "G-1" and "G-2", which are integral parts hereof; x x x. (emphasis supplied)

[16] Id.

[17] 686 Phil. 980 (2012).

[18] Id.

[19] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. XXII, pp. 400-419.

[20] Id. at 416.

[21] Id. at 409-411.

[22] Supra note 15.

[23] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. XXII, pp. 421-453. The annexed document contains the transmittal letter dated 12 April 1999 from Consul General of Honolulu, Hawaii Minerva Jean A. Falcon and the authenticated copy of the Decision dated 18 December 1992 of the US District Court of Hawaii in Consolidated Civil Case Nos. 86-00155 and 86-00213 entitled *United States of America v. The Republic of the Philippines, Roger Roxas and the Golden Buddha Corporation*, including an attached 18-page inventory of the articles accompanying the Marcos party upon arrival in Honolulu on 26 February 1986, which is considered an integral part of the decision.

[24] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. VII, pp. 189-197. It resolved the motion filed by the children of respondent Imelda Marcos and the Estate of Ferdinand Marcos seeking to enjoin the alleged intended sale of jewelry by the Philippine government at an auction in London on an unspecified date. The portion pertaining to the Malacañang jewelry is quoted as follows:

> The jewelry allegedly taken from Malacañang at or shortly after the EDSA event on February 25, 1986 (i.e. the "Malacañang jewelry"), however, is another matter. This group of jewelry, the Republic informs the Cout1, also forms part of the jewelry to be sold at auction in London.
>
> These jewelry could be presumed to belong to the "Marcoses" - generically - since common historical fact will tell us that the Marcoses were the principal occupants of Malacañang from 1966 up to February 25, 1986. Unless anyone should make a claim to the contrary, that jewelry must have belonged to the "Marcoses," whether ill-gotten by them or not. Thus these jewelry could be subject of the compromise agreement, if there is indeed one.
>
> While it is true that the "Malacañang jewelry" is not subject of any causes of action in this case, it would appear that it could adversely affect the projected Compromise Agreement, should it actually be affirmed by this Court. (id. at 193-194)

The Motion was thereafter granted in favor of the movants as follows:

> WHEREFORE, the plaintiff Republic is temporarily restrained from selling or causing to be sold, disposed of or encumbered, by auction or otherwise, whether in the Philippines or abroad, the "Malacañang jewelry," i.e., the jewelry found in Malacañang on or shortly after February 25, 1986 and deposited with the Central Bank on March 1, 1986, until further orders from this Court.
>
> Likewise, within ten (10) days from receipt hereof the plaintiff shall submit an inventory of all the jewelry seized in Malacañang and delivered to the Central Bank on March 1, 1996 including the price or value thereof.
>
> The instant matter is now set for hearing on November 7, 1996 at 8:00 a.m.
>
> The motion tor the issuance of the temporary restraining order with respect to the sale of the jewelry seized at the Manila International Airport on March 1, 1986 and those ceded by a document signed by Imelda R. Marcos on October 25, 1990 with the assistance of her counsel in Hawaii, is denied.
>
> SO ORDERED. (id. at 196-197)

[25] Supra note 24.

[26] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. XXII, pp. 468-508. The annexed document pertains to the PCGG Inventory and Valuation of Malacañang Jewelry Collection by Sotheby's (pp. 470-477; the pages contain the specific item numbers and descriptions) and by Christie's (pp. 478-507; the pages contain the specific item numbers, descriptions and estimates) and is tabulated as follows:

Bag No.	Inventory as of March 7, 1988	Item No.	Inventory as of December 1996	Item No.
IV-2	179 (#247 & 329 not seen)	167-345A	83	167,169-172,174,175,196,183-184,187-188,200,201,203-204,206-210,213,223,237,250-260,262-263,265,267,269,271,276-280,281-290,292,298,302,309,313,316,317,319-321,325,327,330-338,340
IV-4	139	477-615	3	480,491,613
IV-5	60	347-406	20	349,351-356,361,364,370,373,378-380,384,386,390,398,405
IV-6	34	43-76	6	43,49,50,57,72,73
IV-11	28	501-528	6	508,511,513,514,516,528
IV-13	30	529-558	13	532-533,538,539,541,547,548,550,555-558
IV-14	18	25-42	16 (#34	25-42

			&38 not seen)	
IV-15	38	407-444	3	424,437,440
IV-17	24	1-24		-
IV-18	87	79-165	7	82-83,86-89,95
IV-61	32	445-467	15	445-447,451-452,455,462,464-465,467-471,474
Total	669*		172**	
Valuation				
Low Estimates	$ 105,055.00			
High Estimates	$ 144,089.00			

* Appraised by Christie's

** 172 out of the 669 inventoried and appraised by the Sotheby's in 1996.

Pieces of the Malacañang Collection in IV-2, IV-4, IV-5, IV-6, IV-11, IV-13, IV-14, IV-15, IV-17, IV-17, IV-18, and IV-61 are provided descriptions and estimated values. Except for p. 2 of IV-13 and p. 1 of IV-14, Annex "C" of the Motion is the same as Annex "F-2" of the 1991 Petition. *See* notes 47 and 123.

[27] Id. at 509-514. The Annex pertains to the Customs Collection of Jewelry examined by Christie's at the Central Bank in Manila, Philippines, during the week of 7 March 1988, the Total Auction Estimates of the three sets of jewelry as of April 1991, and the Summary of the Lower and Higher Figures tor all items including "Jewellery." These same documents were also part of the 1991 Petition and were initially labeled as Annexes "F-2," "F-2-A," and "F-3." Supra notes 124, 125, and 126.

[28] Id. at 510.

[29] Sandiganbayan *rollo*, Vol. XXIII, pp. 16-18; The letter reads:

25 May 2009

Presidential Commission on Good Government
IRC Building, 82 EDSA,
Mandaluyong City

Attention: HON. CAMILO L. SABIO
Chairman

Re: "Demand tor the Return of Jewelries: (i) Taken from Malacañang Palace during the 1987 EDSA Incident; and (ii) Turned-Over the U.S. Government"

Sirs/Mesdames:

We write in behalf of our client, FORMER FIRST LADY IMELDA ROMULADEZ-MARCOS (hereinafter "Mrs. Marcos"), in connection with the captioned matter.

In February 1986, at the height of the EDSA incident, the Presidential Commission on Good Government ("PCGG") took possession of among other things/belongings, the jewelries left by Mrs. Marcos at the Malacañang Palace without her knowledge and consent. In the same month and year, the U.S. Government turned over to PCGG the pieces of jewelry taken from Mrs. Marcos and her family upon their exile in Honolulu, Hawaii.

To date, PCGG has not initiated any civil or criminal proceeding in any court, tribunal or agency for the forfeiture of the subject jewelries. There is no existing court decision which pronounces that these jewelries are ill-gotten and must be forfeited in favor of the government. Mrs. Marcos thus remains to be the

legitimate owner of these prized jewelries.

x x x

In view thereof: we demand for the immediate return to Mrs. Marcos of all her pieces of jewelry: (i) taken by PCGG from the Malacañang Palace; and (ii) those turned-over to PCGG by the U.S. Government; within five (5) days from receipt hereof

Very truly yours,

(Sgd.)
CHARLITO MARTIN R. MENDOZA
(Sgd.)
EFREN VINCENT M. DIZON
(Sgd.)
JOANNA V. GERONIMO

Copy furnished:
SECRETARY RAUL M. GONZALES
Department of Justice
DOJ Building. Padre Faura St.,
Ermita, Manila 1004

[30] *Rollo* (G.R. No. 213253). p. 13.

[31] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. XXII, p. 412; Motion for Partial Summary Judgment, p. 13.

[32] Id. at 413.

[33] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. IV, pp. 45-63. In particular, the respondents therein stated as follows:

9. Respondents specifically DENY paragraph 9 of the Petition for lack of knowledge or information sufficient to form a belief as to the truth of the allegations since Respondents are not privy to the actual data in possession of the PCGG and the Solicitor General. (id. at 47)

[34] Sandiganbayan *rollo* (Civil Case No. 0141). Vol. XXII p. 413.

[35] Id. at 414.

[36] See supra note 14.

[37] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. XXII, p. 415.

[38] Id. at 389-393.

[39] Id. at 390-391.

[40] Id. at 519-524.

[41] Supra note 24.

[42] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. XXII, p. 520.

[43] Id. at 525-533.

[44] Id. at 525.

[45] Id. at 568-627.

[46] Id. at 628-639.

[47] Id. at 539-567. The appraisal is attached as Annex "B" of the Affidavit. These were also attached to the 1991 Petition as Annex "F-1" (Sandiganbayan *rollo* [Civil Case No. 0141], Vol. I, pp. 275-302). Supra notes 26 and 123.

[48] Id. at 640-642. The photocopies of the Invoices were attached to the Affidavit as Annexes "E", "E-1," and "E-2." The originals of the Invoices have been submitted as Exhibits "D-1" to "D-3" in Civil Case No. 0008 entitled *Republic v. Tantoco*, which is pending with the Sandiganbayan.

[49] Id. at 530.

[50] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. XXIII, pp. 10-15.

[51] Supra note 29.

[52] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. XXIII, p. 10.

[53] Id. at 19-20.

[54] Id. at 21-22.

[55] Id. at 23.

[56] Supra note 29.

[57] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. XXIII, p. 24.

[58] Id. at 25.

[59] Id. at 11.

[60] Id. at 12.

[61] Supra note 24. The pertinent part of the Resolution quoted by the Marcoses is as follows:

While it is true that the "Malacañang jewelry" is not subject of any of the causes of action in this case, it would appear that it could adversely affect the projected Compromise Agreement, should it actually be affirmed by this Court.

[62] The pertinent part of the Order quoted by the Marcoses is as follows:

Insofar as the so-called "Malacañang Jewelry" is concerned, the Court is of the view that to this date, the PCGG has not taken any action by which it might formalize a determination of the ownership of the jewelries seized in Malacañang on or about February 25, 1986. Under the circumstances, this Court would appear to have no jurisdiction to make a comment on these so-called "Malacañang Jewelry."

[63] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. I. pp. 76-77. The Prayer reads:

WHEREFORE, petitioner respectfully prays that:

1. Before hearing, a writ be issued commanding respondents to show cause why their assets, more particularly the $356-million bank deposits in five (5) account groups already identified in the SKA and SBC as mentioned in the two (2) Swiss Federal Tribunal's decisions (Annexes "Q" and "Q-1" hereof) and the $25-million and $5-million in treasury notes being frozen in the Central Bank per freeze order of the PCGG which are in excess of the Marcos couple's salary and other lawful income and income from legitimately acquired property, should not be forfeited in favor of the State;

2. After hearing, an order be issued declaring such property or assets in the names of the foundations organized by the dummies and nominees of respondents tor the purpose of concealing those secret deposits in SKA, SBC and Bank Hofman, all in Switzerland, or so much thereof as they may have failed to show to the satisfaction of this Honorable Court as lawfully acquired by them be declared forfeited in favor of the State.

Petitioner further prays for other reliefs and remedies as may be just and equitable under the premises.

[64] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. XXIII, p. 12.

[65] Id. at 13.

[66] Id. at 26-31.

[67] On the Motion for Partial Summary Judgment on the Arelma account. A Comment/Opposition (To Motion for Partial Summary Judgment Re: Arelma, Inc.) with Motion to Dismiss (Sandiganbayan *rollo* [Civil Case No. 0141], Vol. XXIII, pp. 553-575) and a Comment/Opposition (Re Supplemental Motion for Summary Judgment) (Id. at 628-663) were filed by Ferdinand R. Marcos, Jr.; a Manifestation and Opposition (to Motion tor Partial Summary Judgment) with Motion to Cite Petitioner in Direct Contempt of Court was filed by Ma. Imelda 'Imee' Marcos Manotoc (Id. at 576-584); a Motion to Expunge (Petitioner's Motion for Partial Summary Judgment dated 12 June 2004) was filed by Irene Marcos Araneta (Id. at 607-609).

[68] Id. at 664-681.

[69] Id. at 111-166; penned by Associate Justice Norberta Y. Geraldez and concurred in by Associate Justices Efren N. de la Cruz and Teresita V. Diaz-Baldos.

[70] Id. at 26.

[71] Id. at 27.

[72] Id.

[73] Id. at 29.

[74] Id.

[75] Id. at 30.

[76] Id. at 56-57.

[77] Id. at 56.

[78] Id. at 59-72.

[79] Id. at 60.

[80] Id. at 61.

[81] Id. at 61-62.

[82] Id. at 66-71.

[83] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. I, pp. 76-77. The Prayer reads:

WHEREFORE, petitioner respectfully prays that:

1. Before hearing, a writ be issued commanding respondents to show cause why their assets, more particularly the $356-million bank deposits in five (5) account groups already identified in the SKA and SBC as mentioned in the two (2) Swiss Federal Tribunal's decisions (Annexes "Q" and "Q-1" hereof) and the $25-million and $5-million in treasury notes being frozen in the Central Bank per freeze order of the PCGG which are in excess of the Marcos couple's salary and other lawful income and income from legitimately acquired property, should not be forfeited in favor of the State;

2. After hearing, an order be issued declaring such property or assets in the names of the foundations organized by the dummies and nominees of respondents tor the purpose of concealing those secret deposits in SKA, SBC and Bank Hofman, all in Switzerland, or so much thereof as they may have failed to show to the satisfaction of this Honorable Court as lawfully acquired by them be declared forfeited in favor of the State.

Petitioner further prays for other reliefs and remedies as may be just and equitable under the premises. (emphasis supplied)

[84] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. XXIII, p. 67.

[85] Id. at 68.

[86] Id. at 69.

[87] Id.

[88] Id.

[89] Id. at 94-100.

[90] Id. at 95.

[91] Id.

[92] Supra note 61.

[93] Supra note 62.

[94] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. XXIII p. 97.

[95] Id. at 98.

[96] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. XXIV, pp. 385-394. An Omnious Motion for Reconsideration dated 27 August 2010 was filed oy Imelda Marcos and Irene Marcos Araneta (id. at 396-412) but this was denied by the Sandiganbayan in its Resolution dated 29 December 2010 (id. at 456-460).

[97] Id. at 388.

[98] Id. at 390.

[99] Id. at 392.

[100] Id. at 394.

[101] The Marcoses' failure to file an answer to the request for admission within the period stated was specifically pointed out by the Republic when it filed its Motion to Resolve dated 22 October 2012 (Sandiganbayan *rollo* [Civil Case No. 0141], Vol. XXVI, pp. 126-146).

[102] The Republic filed its Memorandum dated 23 October 2009 (Sandiganbayan *rollo* [Civil Case No. 0141], Vol. XXIII, pp. 168-202) while the Marcoses filed their Memoranda dated 26 October 2009 (Id. at 288-306).

[103] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. XXVI, pp. 329-361.

[104] Id. at 340.

[105] Id. at 349.

[106] Id. at 358.

[107] Id. at 364-371.

[108] Id. at 397-411.

[109] Id. at 416-439.

[110] Id. at 442-445.

[111] Id. at 455-473.

[112] Id. at 497-505.

[113] Id. at 522-525.

[114] Id. at 523.

[115] *Rollo* (G.R. No. 213027), p. 3.

[116] *Rollo* (G.R. No. 213253), p. 5.

[117] *Rollo* (G.R. No. 213027), pp. 8-12.

[118] Id. at 13.

[119] *Rollo* (G.R. No. 213253), p. 215.

[120] Id.

[121] Supra notes 118 and 119.

[122] *Rollo* (G.R. No. 213253), pp. 59-60.

[123] The annexed documents consist of a listing of racks, boxes and bags of items as follows:

Rack 1:

Boxes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10

Rack 2:

Boxes 11, 12, 13, 14, 15, 16, 17, 18, 19

Rack 3:

Boxes 20, 21, 22, 23, 24, 25, 26, 27, 28

Rack 4:

Boxes 29, 30, 31, 32, 33, 34, 35, 36, 37, 38

Rack 5:

Boxes 39, 40, 41, 42, 43, 44, 45, 46, E-3 (three brown envelopes) (Note: Bxs. 45 & 46 are placed in front of Rack 5)

Rack 6:

Boxes, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 47

SGV IV-2 on top of Rack 6 (Maroon leather luggage)

Rack 7:

Boxes 48, 58, 60, 61, 61, 63

SGV IV-3 - on top of Rack 7

SGV IV-5 - on top of Rack 7

SGV IV-6 & SGV IV-17 - 5th layer of Rack 7

SGV IV-15 in front of Rack 7

SGV IV-18 - 1st layer of Rack 7

Coconut Palace - (3 boxes)

C-1 (Biggest box) Front of Stand 1

C-2 - on top of stand 2

C-3 - on top of stand 2

BAGS:

#'s: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 53

These annexed documents in the 1991 Petition (Sandiganbayan *rollo* [Civil Case No. 0141], Vol. I, pp. 275-302) also form part of Annex "C" (supra note 26) of the Republic's Motion for Partial Summary Judgment dated 24 June 2009 (Sandiganbayan *rollo* [Civil Case No. 0141], Vol. XXII, pp. 468-508) and Annex "B" (supra note 47) of the Affidavit of J. Ermin Ernest Louie R. Miguel in the Supplement to the Motion for Partial

Summary Judgment (id. at 539-567).

[124] The annexed document is the cover page of the subsequent documents, Annexes "F-2," "F-2-A," and "F-3" of the 1991 Petition. It is entitled "Appraisal of Customs Collection of Jewelry Examined by Christie's at the Central Bank in Manila, Philippines during the week of March 7, 1988." (Sandiganbayan *rollo* [Civil Case No. 0141], Vol. I, p. 303) This same document is also Annex "D" (supra note 27) of the Republic's Motion dated 24 June 2009 (Sandiganbayan *rollo* [Civil Case No. 0141], Vol. XXII, p. 509).

[125] The annexed document in the 1991 Petition (Sandiganbayan *rollo* [Civil Case No. 0141], Vol. I, p. 304) is also part of Annex "D" (supra note 27) of the Republic's motion dated 24 June 2009 (Sandiganbayan *rollo* [Civil Case No. 0141], Vol. XXII, p. 510). It contains the Jewelry Appraisal of Christie Manson and Woods International Inc. as of April 1991 as follows:

Collection	Low Estimate	High Estimate
Roumeliotes/Customs Collection	$4,767,100	$6,400,160
Malacañang Collection	11 0,055	153,089
PCGG Collection	436,420	559,630
Total	$5,313,575	$7,112,879

[126] The annexed document in the 1991 Petition (Sandiganbayan *rollo* [Civil Case No. 0141], Vol. I, p. 305) is also part of Annex "D" (supra note 27) of the Republic's Motion dated 24 June 2009 (Sandiganbayan *rollo* [Civil Case No. 0141], vol. XXII, p. 511). It contains the Sotheby's Summary as follows:

LOWER FIGURES

Silver.	3,837,730.00
Jewellery	4,194,920.00
European Ceramics.....	194,000.00
Chinese Ceramics.....	291,103.00
Icons.....	58,390.00
Pictures.....	8,377,650.00

GRAND TOTAL US $16,952,793.00

HIGHER FIGURES

Silver.....	5,085,970.00
Jewellery	5,736,600.00
European Ceramics.....	280,700.00
Chinese Ceramics.....	423,136.00
Icons.....	85,520.00
Pictures.....	12,297,600.00

GRAND TOTAL US $23,909,526.00

[127] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. I, pp. 9 and 11.

[128] Rules of Court. Section 1, Rule 8.

[129] *Goodyear v. Sy*, 511 Phil. 41 (2005).

[130] Supra note 13.

[131] Supra note 123.

[132] Supra note 124.

[133] Supra note 125.

[134] Supra note 126.

[135] Supra note 128.

[136] Supra note 14.

[137] Id.

[138] Supra note 17.

[139] Section 2. *Filing of petition*. - Whenever any public officer or employee has acquired during his incumbency an amount of property which is manifestly out of proportion to his salary as such public officer or employee and to his other lawful income and the income from legitimately acquired property, said property shall be presumed *prima facie* to have been unlawfully acquired. x x x

[140] *Concrete Aggregates Corp. v. CA*, 334 Phil. 77 (1997), *Dimon v. Alumbres*, 359 Phil. 796 (1998), and *Allied Agri-Business v. CA*, 360 Phil. 64 (1998).

[141] Section 2. *Implied admission*. - Each of the matters of which an admission is requested shall be deemed admitted unless, within a period designated in the request, which shall not be less than tlfteen (15) days after service thereof, or within such further time as the court may allow on motion, the party to whom the request is directed files and serves upon the party requesting the admission of a sworn statement either denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully either admit or deny those matters.

Objections to any request for admission shall be submitted to the court by the party requested within the period for and prior to the filing of his sworn statement as contemplated in the preceding paragraph and his compliance therewith shall be deferred until such objections are resolved, which resolution shall be made as early as practicable.

[142] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. XXVI, p. 359.

[143] Id. at 356.

[144] Id.

[145] Sandiganbaynn *rollo* (Civil Case No. 0141), Vol. XXIV, p. 392.

[146] Id. at 393.

[147] Id. at 394.

[148] Id.

[149] Section 2. *Implied admission*. - Each of the matters of which an admission is requested shnll be deemed admitted unless, within a period designnted in the request, which shall not be less than fifteen (15) days after service thereof, or within such further time as the court may allow on motion, the pnrty to whom the request is directed files and serves upon the party requesting the admission a sworn statement either denying specifically the matters of which nn admission is requested or setting forth in detail the reasons why he cannot truthfully either admit or deny those matters.

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[150] Sandiganbayan *rollo* (Civil Case No. 0141), Vol. XXIV, pp. 394.

[151] 334 Phil. 77 (1997).

[152] 359 Phil. 796 (1998).

[153] 360 Phil. 64 (1998).

[154] Supra note 151, at 82.

[155] Supra note 152, at 813-815.

[156] Supra note 153, at 73.

[157] *Rollo* (G.R. No. 213253). p. 70.

[158] Id. at 70.

[159] Id. at 70-71.

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